

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 16, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SPECIAL SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 236-6233.

=== H E A R I N G S S C H E D U L E ===

Noticed Hearings

- ITEM-330: Carroll Canyon Business Park-Reconsideration. RZ-98-0978. Mira Mesa Community Plan Area. (Dist. 5)
CITY MANAGER'S RECOMMENDATION: Adopt the ordinance which was introduced on 12/12/2000.
- ITEM-331: Two actions related to Torrey Highlands - Amendment to the Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) - FY2002. Torrey Highlands Community Area. (Dist. 1)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)
- ITEM-332: Two actions related to North University City Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) - FY 2003. North University City Community Area. (Dist. 1)

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

Adoption Agenda, Discussion, Other Legislative Items

ITEM-333: Third Ballpark and Redevelopment Project Implementation Agreement.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Carroll Canyon Business Park-Reconsideration.

Matter of the City Council **reconsidering** whether to adopt the rezone ordinance which was introduced on December 12, 2000, and was not adopted on March 5, 2001, when the City Council voted 4-4 (Council District 6 not represented at that time). The 57.8 acre project site zoned AR-1-1 (proposed IL-2-1) is located on the east and west sides of Camino Ruiz north of Miralani Drive within the boundary of the Mira Mesa Community Plan area.

(RZ-98-0978. Mira Mesa Community Plan Area. District-5.)

(Introduced at the City Council meeting of December 12, 2000, Item 334, for adoption at the January 9, 2001 meeting. On January 9, 2001, Item 53 was

continued to February 6, 2001. On February 6, 2001, Item 334 was continued to March 5, 2001. At the March 5, 2001 meeting, Item 201 FAILED. On June 10, 2002, Item 602 received the required votes for today's reconsideration.)

NOTE: The public testimony portion of this item is open.

CITY MANAGER'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/12/2000. (Council voted 6-2. Councilmembers Peters, Wear, Atkins, Stevens, Maienschein, and Madaffer voted yea. Councilmember Stallings and Mayor Murphy voted nay. District 8 vacant).

(O-2001-80)

Changing 57.8 acres, located on the west and east side of Camino Ruiz along the proposed alignment of Carroll Canyon Road, in the Mira Mesa Community Plan area, in the City of San Diego, California, from the AR-1-1 zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] zones) to the IL-2-1 zone (previously referred to as the M-1B and HRO zones), as defined by San Diego Municipal Code Section 131.0602 (previously found in sections 101.0435.2 and 101.0454); and repealing ordinance No. O-10936 (New Series), adopted October 5, 1972, of the ordinances of the City of San Diego insofar as the same conflict herewith.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Two actions related to Torrey Highlands - Amendment to the Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) - FY2002.

(See City Manager's Report CMR-02-097; Public Facilities Financing Plan and FBA, Fiscal Year 2002, August 2001, Draft revisions - April 2002. Torrey Highlands Community Area. District-1.)

(Continued from the meeting of 6/25/2002, Item 333, at the City Manager's request for further review.)

NOTE: Hearing open. No testimony taken on 6/25/2002.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1513)

Designating an area of benefit in Torrey Highlands and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Torrey Highlands Facilities Benefit Assessment Area.

Subitem-B: (R-2002-1512)

Declaring that the assessment fee schedule contained in the Torrey Highlands Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on July 17, 2001, by Resolution No. R-295159 and amended on May 21, 2002, by Resolution No. R-296532, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Torrey Highlands Community;

Declaring that the Docket Supporting Information and the text contained in the Torrey Highlands Ranch Public Facilities Financing Plan, Fiscal Year 2002, with amendments, are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation.

(Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

ADOPTION AGENDA, HEARINGS
NOTICED HEARINGS:

ITEM-332: Two actions related to North University City Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) - FY 2003.

(See City Manager Report CMR-02-098; Public Facilities Financing Plan and FBA, Fiscal Year 2003, April 2002 2nd Draft; Errata. North University City Community Area. District-1.)

(Continued from the meeting of 6/25/2002, Item 334, at the request of the public for other people who are affected by this item to appear.)

NOTE: Hearing open. No testimony taken on 6/25/2002.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1517 Cor. Copy)

Designating an area of benefit in North University City and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of North University City Facilities Benefit Assessment Area.

Subitem-B: (R-2002-1557)

Declaring that the assessment fee schedule contained in the North University City Public Facilities Financing Plan, as adopted and approved on May 21, 2002, by Resolution No. R-296530, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the North University City portion of the University City Community Planning area;

Declaring that the Docket Supporting Information and the text contained in the North University City Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;

2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTION:**

ITEM-333: Third Ballpark and Redevelopment Project Implementation Agreement.

(See City Attorney Report No. RC-2002-11.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-47)

Authorizing the City Manager to negotiate, prepare and execute such documents, as may be necessary or appropriate to implement the intent and purposes of this resolution, the ordinance, the MOU, the First Implementation Agreement, the Second Implementation Agreement, or the Third Implementation Agreement, consistent with the rights and obligations of the City.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT